

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MELISSA DARLENE SILVER,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:08-CV-511
)	(VARLAN/GUYTON)
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

This Social Security appeal is before the Court on the Report and Recommendation (“R&R”) filed by United States Magistrate Judge H. Bruce Guyton on October 1, 2009 [Doc. 17]. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Magistrate Judge Guyton found that the Commissioner’s motion for summary judgment [Doc. 15] should be granted and that plaintiff’s motion for summary judgment [Doc. 11] should be denied.

The Court has carefully reviewed this matter, including the underlying pleadings [Docs. 11, 12, 15, 16]. The Court is in agreement with Magistrate Judge Guyton’s recommendations, which the Court adopts and incorporates into its ruling. Thus, plaintiff’s motion for summary judgment [Doc. 11] is **DENIED**, and the Commission’s motion for summary judgment [Doc. 15] is **GRANTED**. The Court **ACCEPTS IN WHOLE** the R&R

[Doc. 17]. Accordingly, the Commissioner's decision in this case denying plaintiff's application for disability insurance benefits is **AFFIRMED**; and this case is **DISMISSED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Patricia L. McNutt
CLERK OF COURT